

**ORDER GRANTING MOTION FOR SUMMARY  
JUDGMENT,  
INJUNCTION AND  
ADMINISTRATIVELY TERMINATING ACTION**

**JUNE 28, 1993**

*Public Reading Room  
U. S. Dept. of Energy  
Idaho Operations Office*

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT, INJUNCTION AND ADMINISTRATIVELY TERMINATING ACTION

Based on the Memorandum Opinion entered this date, and the court being fully advised in the premises,

IT IS HEREBY ORDERED that Idaho's Renewed Motion for Summary Judgment, filed March 5, 1993, should be, and is hereby, GRANTED.

IT IS FURTHER ORDERED that the Renewed Motion for Summary Judgment, filed by the United States of America on behalf of the Department of Energy on March 19, 1993, should be, and is hereby, DENIED.

Pursuant to the findings and conclusions set forth in the Memorandum Opinion which accompanies this order, THE COURT HEREBY DECLARES that, in light of the substantial questions raised by the State of Idaho regarding both the recent proposals and the significant changes in existing programs involving the transportation, receipt, processing, and storage of spent nuclear fuel at the Idaho National Engineering Laboratory, these proposals and significant changes in programs may have a significant effect on the quality of the human environment.

THE COURT FURTHER DECLARES that by failing to perform the mandatory analyses of the environmental effects of these proposals and significant changes in programs, the Department of Energy has violated the National Environmental Policy Act and the regulations promulgated by the Council on Environmental Quality. Furthermore, the failure to assess the environmental consequences of these proposals and significant changes is arbitrary, capricious, and contrary to law.

IT IS ORDERED that the Department of Energy shall prepare a comprehensive, site-wide environmental impact statement, pursuant to Section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C. § 4332(2)(c), and the regulations promulgated by the Council on Environmental Quality, that discloses and evaluates the following:

- A. The direct and indirect environmental effects of all major federal actions involving the transportation, receipt, processing, and storage of spent nuclear fuel at the Idaho National Engineering Laboratory;
- B. How each major federal action involving the transportation, receipt, processing, and storage of spent nuclear fuel at the Idaho National Engineering Laboratory, in conjunction with all related or connected actions, as well as past, present, and reasonably foreseeable future actions, cumulatively or synergistically impact the quality of the human environment; and
- C. A reasonable range of alternatives to each major federal action involving the transportation, receipt, processing, and storage of spent nuclear fuel at the Idaho National Engineering Laboratory--including the alternative of abandoning those actions (i.e., the "no-action" alternative) and the alternative of transporting, receiving, processing, and storing spent nuclear fuel at sites other than the National Engineering Laboratory.

IT IS FURTHER ORDERED that the Department of Energy should be, and is hereby, ENJOINED from any further transportation, receipt, processing, and storage of spent nuclear fuel at the Idaho National Engineering Laboratory until the comprehensive environmental impact statement is completed, reviewed, and any challenges to the statement are resolved.

IT IS FURTHER ORDERED that the court shall retain jurisdiction over this case for the purpose of hearing and resolving any dispute between Idaho and the Department of Energy regarding the adequacy of the final environmental impact statement. Thereafter, upon good cause showing, the injunction shall be dissolved. In the interim, this action is hereby ADMINISTRATIVELY TERMINATED. The Clerk of Court shall administratively terminate this action in his records, without prejudice to the right of the parties to reopen the proceedings for good cause shown, for the entry of any stipulation or order, or for any other purpose required to obtain a final determination of the litigation.

DATED this 28 day of June, 1993.

HAROLD L. RYAN

SENIOR UNITED STATES DISTRICT JUDGE